

1 **WO**

2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 Stephen Bishop,
9 Plaintiff,
10 vs.
11 Dora B. Schriro, et al.,
12 Defendants,
13

) No. CV 08-964-PHX-SMM (JRI)

)
)
) **MEMORANDUM OF DECISION AND**
) **ORDER**
)

14 Pending before the Court is Plaintiff's Motion to Stay, filed April 14, 2009 (Doc. #53).
15 Plaintiff seeks a stay of this action pending an appeal to the Ninth Circuit and a complaint
16 to the State Bar. The matter was referred to Magistrate Judge Jay Irwin for Report and
17 Recommendation, and on May 19, 2009 the Magistrate Judge filed a Report and
18 Recommendation with this Court (Doc. #57). To date, no objections have been filed.

19 **STANDARD OF REVIEW**

20 The Court "may accept, reject, or modify, in whole or in part, the findings or
21 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1)(C); see Baxter v. Sullivan,
22 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have ten days from the service of a copy of the
23 Magistrate's recommendation within which to file specific written objections to the Court.
24 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a Magistrate Judge's
25 recommendation relieves the Court of conducting *de novo* review of the Magistrate Judge's
26 factual findings and waives all objections to those findings on appeal. See Turner v. Duncan,
27 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a Magistrate Judge's conclusion "is
28

1 a factor to be weighed in considering the propriety of finding waiver of an issue on appeal.”
2 Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998).

3 **DISCUSSION**

4 Having reviewed the Report and Recommendation of the Magistrate Judge, and no
5 Objections having been made by any party thereto, the Court hereby incorporates and adopts
6 the Magistrate Judge’s Report and Recommendation.

7 **CONCLUSION**

8 For the reasons set forth,

9 **IT IS ORDERED** that the Court **ADOPTS** the Report and Recommendation of the
10 Magistrate Judge (Doc. #57).

11 **IT IS FURTHER ORDERED GRANTING** Plaintiff’s Motion to Stay (Doc. #53).

12 **IT IS FURTHER ORDERED** that this action is stayed pending a decision on
13 Plaintiff’s Notice of Interlocutory Appeal filed April 3, 2009 (#47).

14 DATED this 18th day of June, 2009.

15
16 
17 _____
18 Stephen M. McNamee
19 United States District Judge
20
21
22
23
24
25
26
27
28